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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,164	09/30/2003	Lawrence J. Gutkowski	200311408-1	8183

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EXAMINER

CHOW, JEFFREY J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/677,164	GUTKOWSKI ET AL.	
	Examiner	Art Unit	
	Jeffrey J. Chow	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is essentially a repeat of claim 1 and not in narrative form and does not describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables

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having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

The disclosure is objected because there is no summary. Applicant must add a summary.

Applicant is reminded that no new matter can be added.

The disclosure is objected to because of the following informalities: There are no reference characters, first found and not limited to, 13 and 15 (page 4, paragraph 19), 23 and 25 (page 4, paragraph 21), 59 and 61 (page 7, paragraph 32), 71, 73, and 75 (page 8, paragraph 36), 79, 81, 83, and 85 (page 9, paragraph 39), and 93, 95, 97, 99, and 101 (page 9, paragraph 39) in

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the drawings. There is no Figure 7 (page 13, paragraph 55), in the drawings. There are Figures 7A – 7F, but there is no Figure 7.

Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claim 1 is objected to because it is an incomplete claim (line 4).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 34 is rejected because it is unclear whether an apparatus or a method is being claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 24 – 28, 47, 53, 54, and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Geigel (US 2002/0122067).

Regarding independent claims 1, 24, 47, and 57, Geigel discloses the system 124 takes as input a collection of images where the Page Creator Module 126 is responsible for assigning each image to an album page (paragraph 77 and Figures 7, 19 - 38), which reads on the claimed detection module operable to identify, within the digital image, a set of digitized objects. Geigel also discloses the system 124 has the Image Placement Module 132 that positions the images on each individual page along with other images (paragraph 77 and Figure 7), which reads on the claimed adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state.

Regarding dependent claims 3 – 5 and 26 – 28, Geigel discloses the Albuming Automation System (AAS) 2 receives input 4 from one of a variety of image sources where the refined image information is coupled to the automatic page layout process 52 and where the page layout data is coupled to an output format module 54 and where the album page is rendered for display, printing, or transfer to any another medium (paragraphs 56 and 57 and Figure 1), which

reads on the claimed instruction for generating the digital image of a set of objects, each of the set of digitized objects being a digital replica of one of the set of objects, which reads on the claimed instructions for identifying and adjusting are executed automatically upon generation of the digital image, and which reads on the claimed instructions for automatically instructing that the digital image be produced upon execution of the instruction for identifying and adjusting.

Regarding dependent claims 2 and 25, Geigel discloses Figures 19 – 22, 33 and 34, which reads on the claimed instructions for adjusting affect one or more of a size, a location, and an orientation of the digitized object.

Regarding dependent claim 53 and 54, Geigel discloses the AAS recalls the user preferences 12 and apply them to new batches of images and the AAS detects digital images and adjust digital images based on user preferences 12 and the AAS outputs from the automatic page layout module 52 (paragraphs 56 and 57 and Figure 1), which reads on the claimed interface module operable to direct the detection module and the adjustment module to perform their functions upon generation of the digital image and the claimed interface module operable to send instructions for producing the digital image once the detection module and the adjustment module have performed their functions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 – 23, 29 – 46, and 48 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel (US 2002/0122067) in view of Venable (US 6,738,154).

Regarding dependent claims 6 – 19, 22, 29 – 42, 45, 48, 50, and 51, Geigel discloses Figures 19 – 22, 33 and 34 and user preferences 12 being stored in a user preference database 20 and are subsequently decoded 24 for use in processing the user preferences along with the image information (paragraph 56 and Figure 1). But Geigel did not explicitly disclose an alignment grid, snapping line, edge lines, alignment edge, rotation, or anything that deals with aligning images to a grid like pattern, but Geigel discloses the use of grids to provide unity among the set of digital objects (paragraph 84 and Figure 27) and examples of digital objects be repositioned, aligned, rotated (Figures 27 – 29). Venable discloses images being scanned at the same time where the system recognizes the digital objects (column 5, line 58 – column 6, line 12). Venable also discloses the system detecting separate photographs that were scanned (column 6 lines, 13 – 31). Venable also discloses the system detecting edges for rotation (column 10 lines 5 – 53). Venable also discloses a grid and the scanned images being fashioned to a grid-like layout (column 12, lines 40 – 49 and Figures 8 and 10 - 12). It would a been obvious for one of ordinary skill in the art at the time of the invention to modify Geigel's system with Venable's teachings of aligning and snapping digital objects with edges that are detected to an alignment grid by rotating and positioning the digital objects to the alignment grid to automatically detect digital objects, to automatically detect edges within the digital objects that are substantially perpendicular to each other, to automatically determine the angle of rotation of the digital objects to align the digital objects to an alignment grid, to automatically snapping and position the digital

objects once the angle of rotation of the digital objects have been determined, to display the scanned digital objects in a grid-like fashion, and to scan multiple images to be rotated, snapped, and align to a determined template that is defined by the user, which improves efficiency and requires less time to align images on the scanner by allowing users to scan large amount of digital objects at the same time and allowing the system to automatically align the digital objects to the desired template defined by the user with little or no user interactions.

Regarding claims 20, 21, 43, 44, and 52, Geigel discloses digital objects being resized and positioned so that other digitized objects can span the dimension of the digital image and where the digital image is the album page or the layout of the digital objects, (Figures 27 – 29 and 33 – 37) and Geigel discloses Figures 19 – 22, 33 and 34 and user preferences 12 being stored in a user preference database 20 and are subsequently decoded 24 for use in processing the user preferences along with the image information (paragraph 56 and Figure 1).

Regarding independent claims 23 and 46 and dependent claim 49, Geigel discloses the system 124 takes as input a collection of images where the Page Creator Module 126 is responsible for assigning each image to an album page (paragraph 77 and Figure 7), which reads on the claimed instruction for identifying, within a digital image, a set of digitized objects. But Geigel did not explicitly disclose an alignment grid, snapping line, edge lines, alignment edge, rotation, or anything that deals with aligning images to a grid like pattern, but Geigel discloses the use of grids to provide unity among the set of digital objects (paragraph 84 and Figure 27) and examples of digital objects be repositioned, aligned, rotated (Figures 27 – 29). Venable discloses images being scanned at the same time where the system recognizes the digital objects (column 5, line 58 – column 6, line 12). Venable also discloses the system detecting separate

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photographs that were scanned (column 6 lines, 13 – 31). Venable also discloses the system detecting edges for rotation (column 10 lines 5 – 53). Venable also discloses a grid and the scanned images being fashioned to a grid-like layout (column 12, lines 40 – 49 and Figures 8 and 10 - 12). It would a been obvious for one of ordinary skill in the art at the time of the invention to modify Geigel's system with Venable's teachings of aligning and snapping digital objects with edges that are detected to an alignment grid by rotating and positioning the digital objects to the alignment grid to automatically detect digital objects, to automatically determine the angle of rotation of the digital objects to align the digital objects to an alignment grid, to automatically snapping and position the digital objects once the angle of rotation of the digital objects have been determined, to display the scanned digital objects in a grid-like fashion, and to scan multiple images to be rotated, snapped, and align to a determined template that is defined by the user, which improves efficiency and requires less time to align images on the scanner by allowing users to scan large amount of digital objects at the same time and allowing the system to automatically align the digital objects to the desired template defined by the user with little or no user interactions.

Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel (US 2002/0122067) in view of Nakane (US 6,999,207).

Regarding independent claim 55 and dependent claim 56, Geigel discloses the system 124 takes as input a collection of images where the Page Creator Module 126 is responsible for assigning each image to an album page (paragraph 77 and Figures 7, 19 - 38), which reads on the claimed detection module operable to identify, within the digital image, a set of digitized objects.

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Geigel also discloses the system 124 has the Image Placement Module 132 that positions the images on each individual page along with other images (paragraph 77 and Figure 7), which reads on the claimed adjustment module operable to adjust at least one digitized object within the digital image so that the adjusted digitized object at least substantially conforms to a prescribed state. Geigel also discloses the album page to be rendered for display, printing, or transfer to any another medium (paragraph 56), which reads on the claimed print engine operable to produce the digital image on a media sheet. However, Geigel did not explicitly disclose a scan engine nor did Geigel explicitly disclose an automatic process from the scan engine to the print engine, but Geigel did disclose the use of scanned images (paragraph 55). Nakane discloses a system that scans a plurality of photos, where the photos are automatically detected on the side of the copying machine, so that the photos are automatically arranged in a predetermined layout to be printed out. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Geigel's system with Nakane system of scanning, auto-arranging, auto-aligning, and auto-printing photo's after auto-arranging and auto-aligning to accustom with user preferences in arrangements and alignments of photos in a scanned image with little user interactions or without user interactions after input of photos have been received or in an automated system as described above, which provides users efficiency and a time saving automated system to scan and print bulk images with the desired user preferences.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Chow whose telephone number is (571)272-8078. The examiner can normally be reached on Monday - Friday 10:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER